

## Tuesday, October 16, 2007

House Meets At	Votes Predicted At
9:00 a.m. For Morning Hour 10:00 a.m. For Legislative Business	Last Vote: 7:00 p.m.
Unlimited "One-minutes" Per Side	

Any anticipated Member absences for votes this week should be reported to the Office of the Majority Whip at 226-3210.

## Floor Schedule and Procedure

- H. Res. 741–Rule providing for consideration of H.Res. 734 –
   Expressing the sense of the House of Representatives regarding the withholding of information relating to corruption in Iraq (Rep. Welch-Rules):
   The closed rule provides one hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform. The rule contains one motion to recommit which may not contain instructions. Debate on the rule will be managed by Rep. Welch and consideration will proceed as follows:
  - o One hour of debate on the rule.
  - Possible vote on a Democratic motion to move the previous question. Democrats are urged to vote yes on the motion.
  - Vote on adoption of the rule. Democrats are urged to vote yes on adoption of the rule.
- H.Res. 734 Expressing the sense of the House of Representatives
   regarding the withholding of information relating to corruption in Iraq
   (Oversight and Government Reform): Pursuant to the rule, debate on
   the bill will be managed by Oversight and Government Reform Committee
   Chair Rep. Henry Waxman, or his designee, and will proceed as follows:
  - One hour of debate on the bill.
  - Possible debate and vote on a Republican motion to recommit the bill.
  - Vote on final passage of the bill. Democrats are urged to vote yes on final passage.

- H. Res. 742–Rule providing for consideration of H.R. 2102 Free Flow of Information Act of 2007 (Rep. Slaughter-Rules): The structured rule provides one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted. Provides that the amendment printed in the Rules Committee report shall be in order if offered by Rep. Boucher or his designee. The rule provides one motion to recommit with or without instructions. Debate on the rule will be managed by Rules Committee Chair Rep. Louise Slaughter, and consideration will proceed as follows:
  - One hour of debate on the rule.
  - Possible vote on a Democratic motion to move the previous question. Democrats are urged to vote yes on the motion.
  - Vote on adoption of the rule. Democrats are urged to vote yes on adoption of the rule.
- H.R. 2102 Free Flow of Information Act of 2007 (Rep. Boucher <u>Judiciary)</u>: Pursuant to the rule, debate on the bill will be managed by Judiciary Committee Chair Rep. John Conyers, or his designee, and will proceed as follows:
  - One hour of debate on the bill.
  - Debate and vote(s) on amendment(s) to the bill.
  - Possible debate and vote on a Republican motion to recommit the bill.
  - Vote on final passage of the bill. Democrats are urged to vote yes on final passage.
- <u>Suspension Bills:</u> Today, the House will consider several bills on the Suspension calendar. Bills considered on the Suspension calendar are debatable for 40 minutes; may not be amended; and require a two-thirds vote for passage. If a recorded vote is requested, it will be postponed.
  - H.R. 3678 Internet Tax Freedom Act Amendments Act of 2007 (Rep. Conyers – Judiciary)
  - 2. <u>H.Res. 725</u> Recognizing the 35<sup>th</sup> anniversary of the Clean Water Act, and for other purposes (*Rep. Blumenauer Transportation and Infrastructure*)
  - 3. <u>H.Res. 549</u> Recognizing the importance of America's Waterway Watch program, and for other purposes (*Rep. Bilirakis Transportation and Infrastructure*)
  - 4. <u>H.Res. 716</u> Expressing the sense of Congress with respect to raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Cyber Security Awareness Month (Rep. Langevin Science and Technology)

- 5. <u>H.Con.Res. 225</u> Honoring the 50th anniversary of the dawn of the Space Age, and the ensuing 50 years of productive and peaceful space activities (*Rep. Gordon Science and Technology*)
- 6. <u>H.Res. 736</u> Honoring the 60th anniversary of the aeronautics research accomplishments embodied in the breaking of the sound barrier (*Rep. Rohrabacher Science and Technology*)
- 7. <u>H.Con.Res. 222</u> Commending NASA Langley Research Center in Virginia on the celebration of its 90th anniversary on October 26 and 27, 2007 (Rep. Jo Ann Davis / Rep. Drake Science and Technology)
- <u>Postponed Suspension Votes:</u> At some point today, the House will take recorded votes on the following bills, which were debated on Monday:
  - 1. <u>H.R. 2295</u> ALS Registry Act (Rep. Engel Energy and Commerce)
  - 2. <u>H.Con.Res. 182</u> Recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes (Rep. Deal Energy and Commerce)

# **Bill Summary and Key Issues**

#### H.R. 2102, The Free Flow of Information Act of 2007

H.R. 2102, The Free Flow of Information Act of 2007, would provide journalists with a qualified privilege as to sources and information, while at the same time, recognizing the public interest in effective law enforcement and robust national security.

Over the last few years, more than forty reporters have been subpoenaed for the identities of confidential sources in nearly a dozen cases. Although the Department of Justice has promulgated voluntary guidelines for issuing subpoenas to the media and reporters, these guidelines do not apply to civil litigants in federal court and give unreviewable discretion to special prosecutors.

H.R. 2102 establishes important federal ground rules for all parties -prosecutors, civil litigants, journalists and sources -- and sends a signal to
confidential sources that they will be protected in most circumstances to bring
forward to news organizations public evidence of waste, fraud and abuse in
government and in the private sector.

The bill requires journalists to testify at the request of criminal prosecutors, criminal defendants and civil litigants who have shown by a preponderance of the evidence that they have met the various tests for compelled disclosure.

The bill contains provisions to ensure that the privilege would not impair law enforcement's efforts to prevent acts of terrorism, threats to national security, and death or bodily harm to members of the public, or to identify a person who has disclosed significant trade secrets or certain financial or medical information in violation of current law.

The bill will enable Federal law enforcement authorities to obtain an order compelling disclosure of the identity of a source in the course of an investigation of a leak of properly classified information. The bill strikes an appropriate balance between strengthening the hand of law enforcement and ensuring the free flow of information on the other, by providing that the disclosure of a leaker's identity can be compelled whenever the leak has caused or will cause "significant and articulable harm to the national security."

The bill permits law enforcement to obtain an order compelling disclosure of documents and information obtained as the result of eyewitness observations of alleged criminal or tortuous conduct by the covered person.

Forty-nine states and the District of Columbia recognize a reporter's privilege through either state laws or court decisions. In a brief filed with the Supreme Court, a bipartisan group of thirty-four state attorneys general pointed out that the lack of a clear standard in federal court is undermining state laws. The legislation is a reasonable and well-balanced approach that will provide much needed clarity at the federal level.

Major national print and broadcast media companies support this legislation, including The Associated Press, Bloomberg News, CBS, ClearChannel, CNN, Cox, Gannett, Hearst, NBC, News Corporation, The New York Times, TIME, and The Washington Post.

## **Anticipated Amendment to H.R. 2102**

Boucher (VA)/Pence (IN): The amendment provides the shield can be pierced to prevent or identify the perpetrator of a terrorist attack or harm to national security. It also provides that the disclosure of a leaker's identity can be compelled in cases involving leaks of properly classified information. It also permits law enforcement to obtain an order compelling disclosure of documents and information obtained as the result of eyewitness observations of alleged criminal or tortious conduct. It also limits the Act's coverage to a person who "regularly" engages in the listed journalistic activities. Finally, it adds three new exceptions to the definition of "covered person:" Specially Designated Global Terrorist, as designated by the Treasury Department; a specially designated terrorist, as defined by federal regulations; and a terrorist organization, as defined by immigration law. (10 Minutes)

# H.Res. 734 - EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING THE WITHOLDING OF INFORMATION RELATING TO CORRUPTION IN IRAQ

The resolution expresses the sense of the House that the State Department is misusing the national security classification process to withhold from the American people information about widespread and increasing corruption within the Government of Iraq, including by retroactively classifying documents that had been widely distributed previously as unclassified, and by directing its employees not to answer questions in an open forum that call for "Broad statements/assessments which judge or characterize the quality of Iraqi governance or the ability/determination of the Iraqi government to deal with corruption, including allegations that investigations were thwarted/stifled for political reasons."

# **Quote of the Day**

"The very essence of a free government consists in considering offices as public trusts, bestowed for the good of the country and not for the benefit of an individual." -John C. Calhoun

The Office of the House Majority Whip | H-329 The Capitol | Washington, DC 20515 | p. (202)226-3210 | f. (202)226-1115